IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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DATE: 24.8.2005

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WRIT PETITION NO : 18761 of 2005

Between:

Smt.Anasuya Bai, w/o Sri Roopchand chowdhary,
r/o 14-4-223, Sri Krishna kunj, Begumbazar, Hyderabad, A.P.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad rep., by its Commissioner, MCH Buildings, Lower Tank Bund Road,
Hyderabad & others.

.....RESPONDENT(S)

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18761 of 2005

Oral Order:

In this writ petition, the petitioner seeks a direction to the Respondents 1 to 3 to consider the request of the petitioner for grant of permission for construction of a building in respect of H. No. 14-4-239 at Shahinayat Gunj, Begum Bazar, Hyderabad without insisting on production of No Objection Certificate from the District Collector, Hyderabad and without insisting on obtaining of Clearance Certificate from U.L.C. Authorities. She also seeks a direction to the official respondents to take action against the respondents 4 to 10 for raising constructions in violation of the Building Bye-laws.

The petitioner has been seeking two different reliefs in this writ petition. One is with regard to production of "No Objection Certificate from the District Collector, Hyderabad and obtaining of Clearance Certificate from the Urban Land Ceiling Authorities and the other relief is with regard to initiation of action against the respondents 4 to 10 for raising of constructions, contrary to the building bye-laws.

So far as the first relief is concerned, this Court in ***HYDERABAD POTTERIES PRIVATE LIMITED v. DISTRICT COLLECTOR, HYDERABAD***

categorically held that the Commissioner shall not reject the application of the petitioner solely on the basis of an objection purported to have been raised by the Joint Collector. The objections, if any raised, will also be taken into consideration with the relevant material on record. The Commissioner shall not reject the application of the petitioner for grant of permission solely on the basis of entries said to have been made in TSLR or not accompanied by any No Objection Certificate from the revenue officials. The said view is also upheld by the Division Bench in W.A.No.1096 of 2001 dated 24-12-2001.

In view of the same, I deem it appropriate to direct the respondents to consider and pass appropriate orders on the application of the petitioner for grant of building permission if the said application is filed in accordance with By-law No.4(2) of the Hyderabad Municipal Corporation Act, 1955, within a period of six weeks from the date of receipt of a copy of this order, without insisting on production of No Objection Certificate and Clearance Certificate from the Urban Land Ceiling Authorities.

As regards the second relief, i.e, to direct the respondents 1 to 3 to take action against the unofficial respondents 4 to 10 for raising constructions in violation of the Building Bye-laws is concerned, the petitioner has to take appropriate steps as per law.

The writ petition is accordingly disposed of. No costs.

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ELIPE DHARMA RAO,J

Date: 24th August, 2005

PNB